

## DRIVEWAYS

### CHAPTER 92

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**[HISTORY: Adopted by the City Council of the City of Dover 12-14-77.\* Amendments noted where applicable.]**

#### General References

**Streets and sidewalks - See Ch. 152.**

#### **92-1. Purpose.**

The purpose of this chapter is to further the safe and orderly development of the city through the establishment of an administrative procedure by which the location, method and materials used to provide vehicular access to and from city streets onto private property are subject to the review and approval of the Director of Public Works.

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\*Editor's Note: Provisions of this chapter are derived from Ch. 41 of the former Code, adopted 12-14-77, as amended.

**92-2. Statutory authority.**

This chapter is enacted pursuant to the provisions of RSA 249:17, as amended.

**92-3. Applicability.**

The provisions of this chapter apply to the construction, reconstruction, alteration, surfacing or resurfacing of any driveway which interests with the right-of-way of any city- owned and/or city maintained way. Section 92-7, referring to licensing requirements, applies to all paving contractors or related construction enterprises engaged in the retailing of driveway paving services to the general public within Dover's city limits.

**92-4. Definitions.**

For the purposes of this chapter, the following definitions shall apply:

**ALL SEASON SIGHT DISTANCE** - A line which encounters no visual obstruction between two (2) points, each at a height of three (3) feet nine (9) inches above the pavement and so located as to represent the critical line of sight between the operator of a vehicle using the access and the operator of a vehicle approaching from either direction.

**DRIVEWAY** - A private road which is intended to provide vehicular access from a public way to a single primary building which is located on a single lot. A "driveway" may service up to four (4) lots only if it complies with the terms and conditions of the Subdivision Ordinance, 155-51; Site Review Ordinance, 149-14, or 92-6 of this chapter. [Amended 11-18-79 by Ord. No. 27-79, 12-10-86 by Ord. No. 20-86]

**LOT** - A parcel of land intended to be separately owned, rented, developed or otherwise used as a unit.

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**92-5. Construction permits.**

- A. Henceforth, it shall be unlawful to construct, reconstruct, alter, surface or resurface any driveway in a manner which affects the size, elevation or grade of such driveway until the Director of Public Works has reviewed and approved of such construction or alteration and has issued a written permit for such work. No permit shall be required for any existing driveway, entrance or approach unless the grade, elevation, location or width of said driveway is changed. For purposes of this section, any driveway so constructed, reconstructed, altered, surfaced or resurfaced as indicated above which abuts or is clearly designed to provide access to a public way as defined by New Hampshire RSA 259:125 shall be presumed to be situated within the right-of-way. [Amended 11-26-86 by Ord. No. 19-86; amended 11-21-01 by Ord. No. 27-2001]
- B. Pursuant to this section, a written construction permit application must be obtained from and filed with the Public Works office by any landowner or by his paving contractor, if he is employing one, affected by the provisions of 92-5A.
- C. Before any construction or alteration work is commenced, said permit application shall have been reviewed and approved and a construction permit issued by the Director of Public Works. Said permit shall:
- (1) Describe the location of the driveway, entrance, exit or approach. The location shall be selected to most adequately protect the safety of the traveling public.
  - (2) Describe any drainage structures, traffic control devices and channelization islands to be installed by the applicant.
  - (3) Establish grades that adequately protect and promote street drainage and permit a safe and controlled approach to the street in all seasons of the year.
  - (4) Include any other terms and specifications necessary for the safety of the traveling public.

**92-6. Standards.**

- A. Unless an all-season safe sight distance of four hundred (400) feet in both directions along the street can be obtained, the Director of Public Works shall not permit more than one (1) access to a single parcel of land, and this access shall be at that location he determines to be safest. The Public Works Director shall not give final approval for use of any additional access until it has been demonstrated that the four-hundred-foot all-season safe sight distance has been approved.

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- B. Within twenty (20) feet of the point where the driveway intersects the public right-of-way, the maximum slope of a driveway to four (4) or fewer dwelling units shall not exceed twelve percent (12%) and the maximum slope for other driveways shall not exceed eight percent (8%).
- C. With the exception of shared driveways, no driveway, including any flare, shall be within five (5) feet of a side property line.
- D. The angle of the driveway with respect to the pavement edge shall not be less than sixty (60) degrees to ninety (90) degrees, except that a smaller angle may be used for entrance driveways along a divided street, permitting only one-way operation of the driveway.
- E. At rural intersections, the minimum distance between the nearest edge of the driveway and the crossroad edge of pavement, measured along the edge of pavement, shall be one hundred (100) feet. At urban intersections, this minimum distance may be reduced to twenty-five (25) feet. Driveways to be located on the opposite side of T-intersections shall generally conform to the urban-intersection standard. The Director of Public Works shall have the authority to increase these distances if, in his opinion, such action is necessary for the protection of traffic. He may also modify these requirements, if justifiable on the basis of specific site conditions, including lot size.
- F. The type of construction where the driveway meets the edge of the traveled way shall be commensurate with existing conditions with respect to drainage and curb configuration and shall be subject to the approval of the Director of Public Works. The property owner shall be responsible for the proper installation and maintenance of all drainage facilities (driveway culvert, swale, etc.) and the driveway bed that lies between the edge of the traveled way and the parcel's property line. [Amended 11-28-79 by Ord. No. 27-79]
- G. In no case shall the permitted driveway construction cause water to stand on the pavement, shoulders or within the street right-of-way limits. In those cases where property development increases drainage runoff such that existing street drainage structures are insufficient to adequately dispose of all drainage, the applicant will be required to provide additional or larger drainage facilities to prevent any ponding within the street right-of-way or adjacent lands thereto.
- H. For access to a proposed commercial or industrial enterprise, to a subdivision or to a multifamily dwelling containing more than four (4) dwelling units, all of which for purposes of this chapter shall be considered a single parcel of land, said permit application shall be accompanied by such engineering drawings as may be required by the Director of Public Works showing information as set forth in 92-2.

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I. [Amended 11-28-79 by Ord. No. 27-79] No construction permit shall allow a residential driveway entrance, exit or approach to be constructed more than twenty-two (22) feet in width. Driveway entrances and exits for nonresidential use shall be as follows:

(1) Where one (1) entrance/exit is designed to service a parcel, the width shall not exceed thirty-two (32) feet.

(2) Where two (2) entrances/exits are designed to service a parcel, the width shall not exceed twenty-four (24) feet.

**92-7. Paving contractor's license.**

Henceforth, all paving and related contractors who conduct driveway construction, reconstruction, alteration, surfacing or resurfacing operations within the city limits of Dover shall comply with the following driveway licensing procedures:

- A. Before any driveway paving operation is begun, subsequent to the adoption of this chapter the paving contractor shall apply to the Director of Public Works for a license to conduct operations within Dover's city limits.
- B. License fee. The annual license fee is two dollars (\$2.), to be paid at the time the application is made and annually thereafter in the event of renewal. If the application is not granted, the fee shall be returned to the applicant.
- C. Such paving license shall expire on April 1 following the date of issuance.
- D. Such paving license shall specify that if the paving work performed by the contractor fails to be acceptable to the Public Works Director that the contractor will either improve the driveway to acceptable standards or be liable for such costs as may be necessary to effectuate such improvements or the removal of such driveway facility. The minimum standard imposed by the Director of Public Works will be for the provision of a driveway access facility which provides safe movement of motor vehicles and which does not adversely affect the flow of drainage waters on city streets.
- E. Failure to comply with paving standards established by the Public Works Department will result in revocation of the paving license and any accompanying driveway paving privileges within the city limits of Dover.

**92-8. Conversion of driveways to public streets.**

As previously noted, a driveway is a private way. Accordingly, no driveway may subsequently be dedicated to the city as a public street until and unless the owner(s) of the property served by such driveway make, at their expense, any improvements necessary to bring such roadway into conformance with the construction standards and specifications as set forth in Chapter 38, as amended\*, for a public street or into conformance with such other specifications as established by the Director of Public Works or City Council.

**92-9. Violations and penalties; costs of restoration.**

Whoever violates any provisions of this chapter shall be fined not more than one hundred dollars (\$100.). The landowner shall be liable for the cost of restoration of the affected public street to a condition which conforms to the provisions of this chapter to the satisfaction of the Director of Public Works. If a landowner fails to ensure that the abovesaid conformance is accomplished within thirty (30) days of receiving written notification from the Director of Public Works, the restoration shall be accomplished by the city and charged to the landowner.

**92-10. Modification of standards.**[Amended 11-28-79 by Ord. No. 27-79]

Where the Director of Public Works finds that an unnecessary hardship may result from the strict compliance with these regulations, he may modify the regulations so that substantial justice may be achieved and the public interest secured, provided that such modifications shall not have the effect of nullifying the intent and purpose of the Driveway Ordinance and Subdivision Ordinance.\*\*

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\*Editor's Note: See Ch. 152, Streets and Sidewalks.

\*\*Editor's Note: See Ch. 155, Subdivision of Land.

**92-11. Appeals.**

Any person aggrieved by a decision of the Director of Public Works under this chapter may request a hearing before the Planning Board on the merits of his/her case. The Planning Board shall hear the facts in the case and vote to confirm, reject or modify the decision of the Director of Public Works. The Director of Public Works shall not participate in this vote. The decision of the Planning Board shall be final.

- A. All abutters shall be notified of said hearing by certified mail.
- B. The applicant shall be notified of said hearing by certified mail, with return receipt requested, stating the time, date and place of such hearing not less than five (5) days prior to the date fixed thereon.
- C. Such public hearing shall be advertised in a newspaper of general distribution not less than five (5) days nor more than ten (10) days prior to said hearing.
- D. The applicant shall be billed for all costs incurred for such notification.